

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PETITION UNDER 37 CFR §1.181	Title: METHOD AND APPARATUS FOR ENABLING DISTRIBUTED SUBSCRIPTION SERVICES, SUPPLIES MAINTENANCE, AND DEVICE- INDEPENDENT SERVICE IMPLEMENTATION	
	First Named Inventor:	Furst et al.
	Application No.:	10/686,751
	Filing Date:	October 16, 2003
	Confirmation No.	8683
	Examiner:	Arvin Eskandamia
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Art Unit:	2448
	Last Office Action:	February 16, 2011

Dear Sir:

Applicant's petition the Director to invoke his supervisory authority and review the appropriateness of the finality of the Office action that was mailed February 16, 2011 in regard to the above-reference patent application.

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being transmitted to the USPTO by electronic transmission via the EFS Web on the date indicated below.

Date <u>May 4, 2011</u>	Name: <u>Michelle M. McVane</u> Name: Michelle M. McVane
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The Office Action Is Not Completely Responsive and the Next Action May Not Be Made Final

Section 707.07(F) of the MPEP asserts that in order to provide a complete application file history and to enhance the clarity of the prosecution history record, an Examiner **must** provide clear explanations **of all actions** taken by the examiner during prosecution of an application. Additionally, the same section asserts that "where the Applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the Applicant's argument and answer the substance of it."

In the present case, and most clearly, the Office Action repeats the rejections made with regard to claims 31 and 41 under 35 USC § 103(a) in view of Hemphill and Freed **without taking note of the substance** of all of Applicants' arguments **and without answering the substance of them**. For example, the Office Action does not take note of or answer the substance of the Applicants' argument, presented on pages 19 and 20 of the Amendment filed November 30, 2010 (Amendment F), that while cited lines 2-6 of paragraph 42 of Freed include the word --proxy-- and indicate that a secure socket layer device acts as a proxy for one or more servers, that does not disclose or suggest that a device model agent is implemented as a device proxy or implemented in a device proxy within an application server.

For the foregoing reasons, the Applicants have been denied an opportunity to better understand the position of the Office, and **no clear issue has been developed** between the Examiner and the Applicants. **Accordingly**, it is respectfully submitted that the **finality** of Office action of February 16, 2011 is **premature** and withdrawal thereof is respectfully requested.

Additionally, the Office action repeats the rejections of claims 34-40 and 42-44 without taking note of or answering the substance of the arguments submitted in support of those claims provided on, for example, pages 18 and 19 of the Amendment filed on or about November 30, 2010 (i.e., Amendment F). In particular, it is noted that claim 36 recites a services host server that is operative to exchange information including at least one of unit billing meter configuration parameters, billing meter readings, unit document processor consumables supply information, available document processor functions that can be added to the unit, selected document processor document functions to be added to the unit, selected document processor

functions to be completed from the capabilities of the unit.

It is respectfully submitted that since the Office action does not respond to these arguments, the Office action is not complete as to all matters, and no clear issue has been developed between the Examiner and the Applicant's contrary to MPEP § 707.07(f) and MPEP § 706.07.

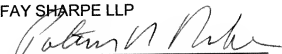
For at least the foregoing reasons, it is respectfully submitted that the finality of the Office action that was mailed February 16, 2011 is premature and supervisory review and withdrawal thereof is respectfully requested.

Lastly, while it is noted that pages 10-14 of the Office action of February 16, 2011 include a section labeled "Response to Arguments" that gives the appearance of responding to arguments presented in Applicant's Amendment F, it is respectfully submitted that in general, the section applies an **impermissible gist-type reasoning**, contrary to MPEP § 2141.02(II) that overlooks aspects recited in the claims or applies **impermissible hindsight reasoning** based on information gleaned only from the present application to conclude that elements of Hemphill "could" enclose those aspects.

Accordingly, withdrawal of the finality of the present Office action and a careful review of all of the arguments of the Applicant's in support of the claims is respectfully requested.

Respectfully submitted,

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